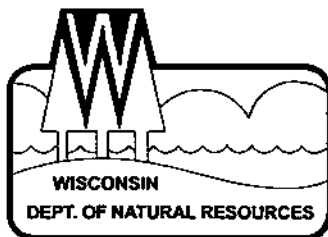


File



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

Appleton Field Station
Agricultural Services Center
3369 W. Brewster Street
Appleton, Wisconsin 54914-1602
Telephone 920-832-1803
FAX 920-832-1800

August 21, 2000

Mr. Richard Schoenbohm
P.O. Box 2191
Appleton, WI 54913

Subject: Case Closure with Two Groundwater Use Restrictions, Former Utschig & Froehlich Property, 514 - 524 E. Wisconsin Avenue, Appleton, Wisconsin, WDNR BRRTS ID# 03-45-002050

Dear Mr. Schoenbohm:

The purpose of this letter is to confirm the final case closure of the site identified above effective June 2, 2000. On August 11, 1999, the above-named site was reviewed by the Northeast Region Closure Committee for a determination as to whether or not the case qualified for closeout under ch. NR 726, Wis. Adm. Code. The committee agreed that this case could be closed pending the filing of two groundwater use restrictions with the deed running with the property.

On June 2, 2000, we received abandonment documentation of all site monitoring points. We have also received copies of the completed groundwater use restrictions for this site and proof of filing with the Outagamie County Register of Deeds. Based on the investigative and remedial documentation provided to the Department and the filing of the groundwater use restrictions, it appears that the petroleum contamination at the above-named site has been remediated to the extent practicable under current site conditions. Therefore, closure of this site has been granted and no further action is necessary at this time. In the future, this deed restrictions may be amended with approval from the Department if conditions change at the site and the residual contamination has been remediated.

If you have any additional relevant information which was not formerly provided to the Department, you should submit this information to the Department for evaluation. If you have any questions regarding this determination, please contact me at (920) 832-1803.

Sincerely,

Jennifer Huffman, P.G.
Hydrogeologist
Remediation and Redevelopment Program

cc: Bob Mottl - STS Consultants, 1035 Kepler Drive, Green Bay, WI 54311

1193029

WARRANTY DEED

This Deed, made between Thomas S. Utschig and Bette A. Froehlich, each as an undivided one-half interest as tenants-in-common, Grantor, and Richard W. Schoenbohm, Grantee,

Witnesseth, that the said Grantor, for a valuable consideration of \$100 and other good and valuable consideration conveys to Grantee the following described real estate in Outagamie County, State of Wisconsin:

All that part of Lot Six (6), SHERIFF'S ADDITION, lying West of the West line of Union Street and South of the South line of Randall Street, except the North 160 feet thereof and all of Lot Seven (7), SHERIFF'S ADDITION, less the North 140 ft. thereof, City of Appleton, Wisconsin, according to the recorded Assessor's map of said city.

This is not homestead property.

Together with all and singular the hereditaments and appurtenances thereto belonging;

And Grantor warrants that the title is good, indefeasible in fee simple and free and clear of encumbrances except municipal and zoning ordinances, recorded easements for public utilities located adjacent to side and rear lot lines, recorded building and use restrictions and covenants, general taxes levied for the year hereof, and will warrant and defend the same.

Dated this 3rd day of June, 1996.

TRANSFER
486.00
FEL

WHZ
ATTACHED

AUTHENTICATION

Signature(s) _____
authenticated this _____ day of _____

TITLE MEMBER STATE BAR OF WISCONSIN
(If Not, _____ authorized
by § 706.06, Wis. Stats.)

THIS INSTRUMENT WAS DRAFTED BY
Attorney Richard B. Schoenbohm
206 South Memorial Drive
Appleton, WI 54911

(Signatures may be authenticated or
acknowledged. Both are not necessary.)

THIS SPACE RESERVED FOR RECORDING DATA

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

JUN 13 1996

AT 10 O'CLOCK A.M. P.M.
GRACE HERB
REGISTER OF DEEDS

RETURN TO:
Richard W. Schoenbohm
1314 Green Grove Road
Appleton, WI 54911

Tax Parcel No. 31-6-0494-00 &
31-6-0492-00-0

Thomas S. Utschig (SEAL)

• Thomas S. Utschig

Bette A. Froehlich (SEAL)

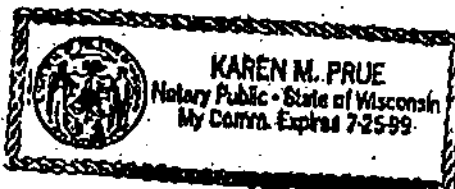
• Bette A. Froehlich

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
OUTAGAMIE COUNTY) ss

Personally came before me this 3rd day of June, 1996, the above-named Thomas S. Utschig and Bette A. Froehlich to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Karen M. Prue
Notary Public, Outagamie County, Wisconsin
My Commission is Permanent. (If not, State
expiration date: July 25, 1999.)



1365290

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: All that part of Lot Six (6), SHERIFF'S ADDITION, lying West of the West line of Union Street and South of the South line of Randall Street, except the North 160 feet thereof and all of Lot Seven (7), SHERIFF'S ADDITION, less the North 140 feet thereof, City of Appleton, Wisconsin, according to the recorded Assessor's map of said city.

OUTAGAMIE COUNTY
RECEIVED FOR RECORD

MAY - 4 2000

AT 9 O'CLOCK A.M. ☒
JANICE FLENZ
REGISTER OF DEEDS

Recording Area

Name and Return Address

Richard Schoenbohm

P.O. Box 2191

Appleton, WI 54913-2191

STATE OF WISCONSIN)
COUNTY OF OUTAGAMIE) ss

31 - 6 - 0492 - 00 *

31 - 6 - 0494 - 00

Parcel Identification Number (PIN)

WHEREAS, Richard W. Schoenbohm, is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property. Benzene and naphthalene contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property at monitoring well MW-2 on December 4, 1998 with 23 micrograms per liter (ug/l) and 51.1 ug/l, respectively. The location of monitoring wells and borings are provided on Figure 1 attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code, groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809 is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

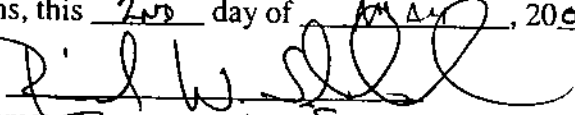
Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

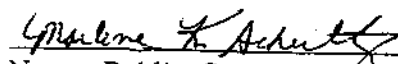
Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 2nd day of May, 2000.

Signature: 

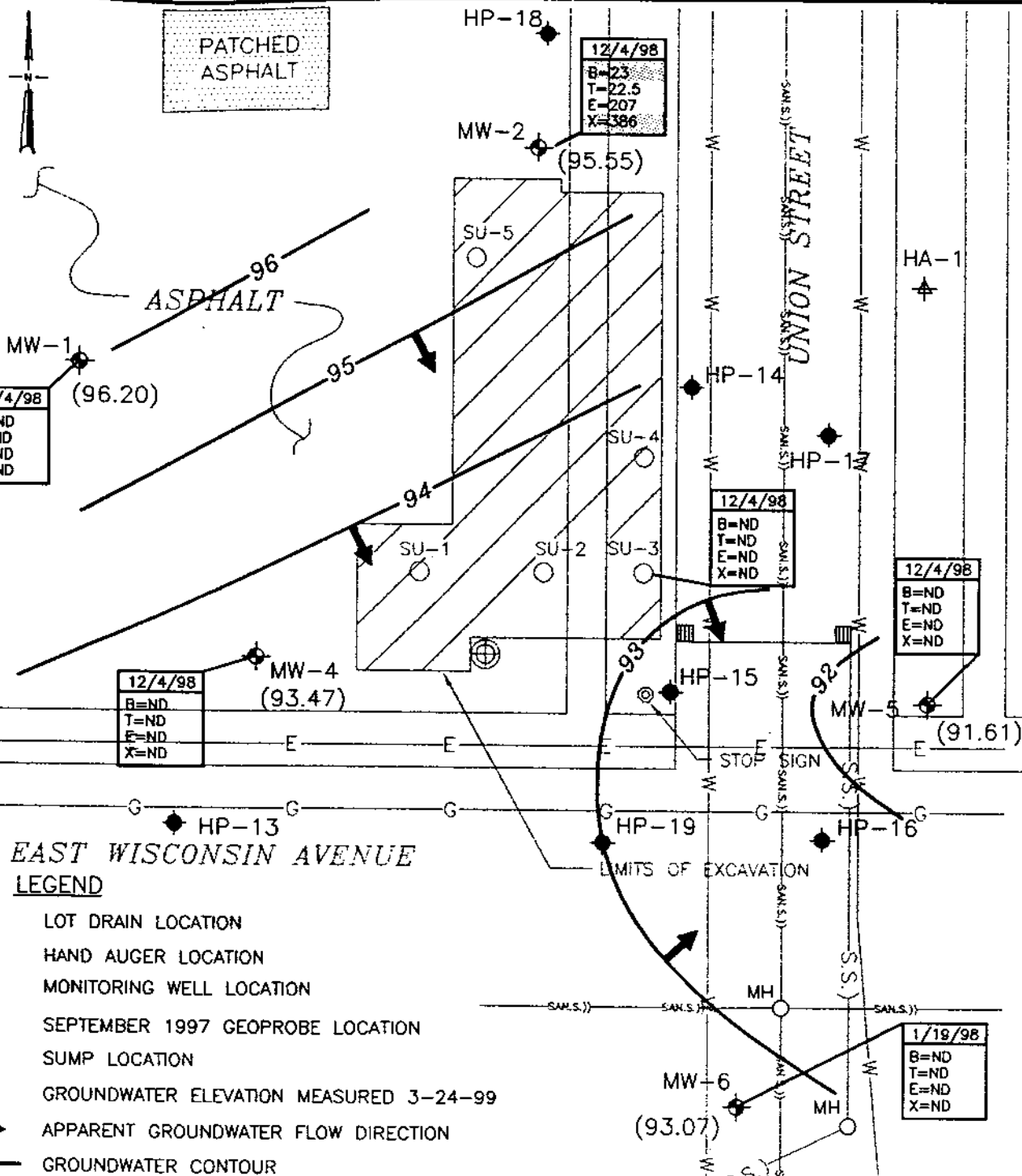
Printed Name: RICHARD W. SCHOENBOHM

Subscribed and sworn to before me
this 2nd day of May, 2000.


Notary Public, State of Wisconsin
My commission 8/13/00

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by STS Consultants, Inc.

514-524 WISCONSIN AVE.



ND= NOT DETECTED

NOTE: CONCENTRATIONS MEASURED IN µg/l



STS Consultants Ltd.
Consulting Engineers

PROJECT/CLIENT

FORMER FROELICH & UTSCHIG BUILDING
EAST WISCONSIN AVENUE
APPLETON, WISCONSIN

GROUNDWATER CONTOUR MAP (3-24-99)
AND APPROXIMATE UTILITY LOCATIONS

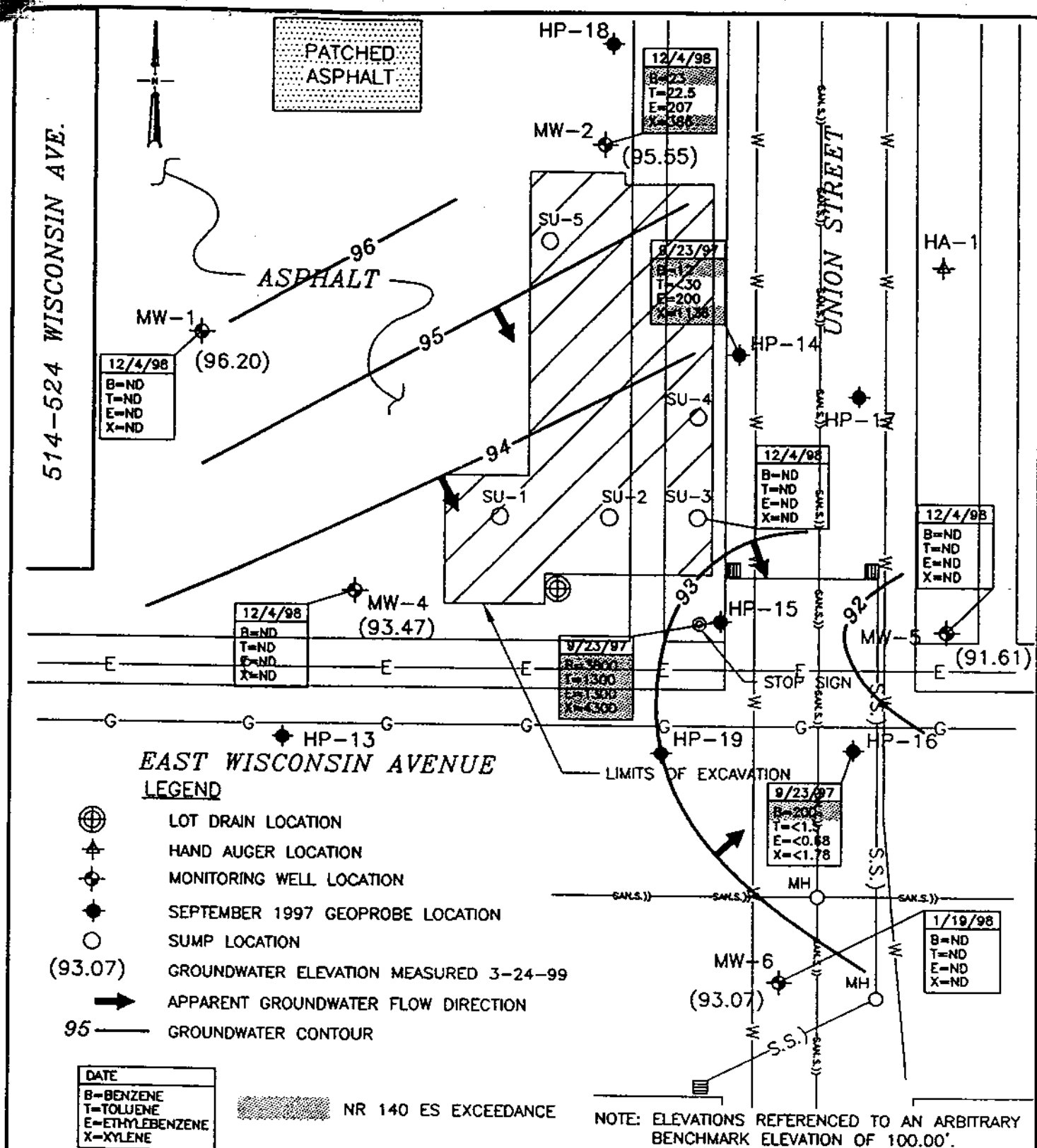
DRAWN BY R.A.B. 6-21-99

CHECKED BY R.J.M. 6-21-99

APPROVED BY

SCALE 1" = 20' FIGURE NO. 7

STS DRAWING NO. 22103W



ND= NOT DETECTED

NOTE: CONCENTRATIONS MEASURED IN $\mu\text{g/l}$

MAP SOURCE: SUPPLIED BY BADGER LABORATORIES & ENGINEERING, APPLETON, WISCONSIN.



STS Consultants Ltd.
Consulting Engineers

PROJECT/CLIENT

FORMER FROELICH & UTSCHIG BUILDING
EAST WISCONSIN AVENUE
APPLETON, WISCONSIN

GROUNDWATER CONTOUR MAP (3-24-99)
AND APPROXIMATE UTILITY LOCATIONS

DRAWN BY R.A.B. 6-21-99

CHECKED BY R.J.M. 6-21-99

APPROVED BY

SCALE 1" = 20' FIGURE NO. 1

STS DRAWING NO. 22103W

1365289

Document Number

GROUNDWATER USE RESTRICTION

Declaration of Restrictions

In Re: That portion of the road right-of-way located adjacent to the parcel of land described as Lot Six (6), SHERIFF'S ADDITION, except the North 160 feet thereof, City of Appleton, Outagamie County, Wisconsin, with said portion described as follows: beginning at the intersection of the centerline of East Wisconsin Avenue with the East boundary line of Union Street, thence North along the East boundary of Union Street to a point directly East at a right angle of the Northeast corner of the above described property; thence West to the Northeast corner of the above described property; thence South along the Eastern boundary line of above described property to the centerline of East Wisconsin Avenue; thence east along said centerline of East Wisconsin Avenue to the point of beginning.

**OUTAGAMIE COUNTY
RECEIVED FOR RECORD**

MAY - 4 2000

AT 9 O'CLOCK A.M. ~~PM~~
JAMICE FLENZ
REGISTER OF DEEDS

Recording Area

Name and Return Address
Attorney Jim Walsh
City of Appleton
100 N. Appleton Street
P.O. Box 2428
Appleton, WI 54913-2428

Parcel Identification Number (PIN)

STATE OF WISCONSIN)
) ss
COUNTY OF OUTAGAMIE)

WHEREAS, the City of Appleton, is the owner of the above-described property.

WHEREAS, one or more petroleum discharges have occurred on this property from a source on an adjacent property. Benzene, xylene, trimethylbenzenes, and naphthalene contaminated groundwater above ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property on September 23, 1997 at boring HP-14 with 12 micrograms per liter (ug/l), 1136 ug/l, 1350 ug/l, and 60 ug/l, respectively. Benzene, toluene, ethylbenzene, xylene, trimethylbenzenes, and naphthalene contaminated groundwater above the ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property on September 23, 1997 at boring HP-15 with 3800 ug/l, 1300 ug/l, 1300 ug/l, 4300 ug/l, 2520 ug/l, and 380 ug/l, respectively. Benzene contamination groundwater above the ch. NR 140, Wis. Adm. Code, enforcement standards existed on this property on September 23, 1997 at boring HP-16 with 200 ug/l. The location of monitoring wells and borings are provided on Figure 1 attached and made part of this restriction.

WHEREAS, it is the desire and intention of the property owner to impose on the property restrictions which will make it unnecessary to conduct further groundwater or soil remediation activities on the property at the present time.

WHEREAS, natural attenuation has been approved by the Department of Natural Resources to remediate groundwater contamination exceeding ch. NR 140, Wis. Adm. Code, groundwater standards within the boundaries of this property.

WHEREAS, construction of wells where the water quality does not comply with drinking water standards in ch. NR 809, Wis. Adm. Code, is restricted by chs. NR 811 and NR 812, Wis. Adm. Code. Special well construction standards or water treatment requirements, or both, or well construction prohibitions may apply.

NOW THEREFORE, the owner hereby declares that all of the property described above is held and shall be held, conveyed or encumbered, leased, rented, used, occupied and improved subject to the following limitation and restrictions:

Anyone who proposes to construct or reconstruct a well on this property is required to contact the Department of Natural Resources' Bureau of Drinking Water and Groundwater, or its successor agency, to determine what specific requirements are applicable, prior to constructing or reconstructing a well on this property. No well may be constructed on this property unless applicable requirements are met.

If construction is proposed on this property that will require dewatering, or if groundwater is to be otherwise extracted from this property, while this groundwater use restriction is in effect, the groundwater shall be sampled and analyzed for contaminants that were previously detected on the property and any extracted groundwater shall be managed in compliance with applicable statutes and rules.

This restriction is hereby declared to be a covenant running with the land and shall be fully binding upon all persons acquiring the above-described property whether by descent, devise, purchase or otherwise. This restriction benefits and is enforceable by the Wisconsin Department of Natural Resources, its successors or assigns. The Department, its successors or assigns, may initiate proceedings at law or in equity against any person or persons who violate or are proposing to violate this covenant, to prevent the proposed violation or to recover damages for such violation.

Any person who is or becomes owner of the property described above may request that the Wisconsin Department of Natural Resources or its successor issue a determination that one or more of the restrictions set forth in this covenant is no longer required. Upon the receipt of such a request, the Wisconsin Department of Natural Resources shall determine whether or not the restrictions contained herein can be extinguished. If the Department determines that the restrictions can be extinguished, an affidavit, attached to a copy of the Department's written determination, may be recorded to give notice that this deed restriction, or portions of this deed restriction, are no longer binding.

By signing this document, ~~Timothy M. Hanna~~ ^{they are} Cynthia I. Hesse asserts that ~~he~~ ^{she} is duly authorized to sign this document on behalf of the City of Appleton.

IN WITNESS WHEREOF, the owner of the property has executed this Declaration of Restrictions, this 21st day of April, 2006.

Signature: [Signature]
Printed Name: TIMOTHY M. HANNA
Title: MAYOR

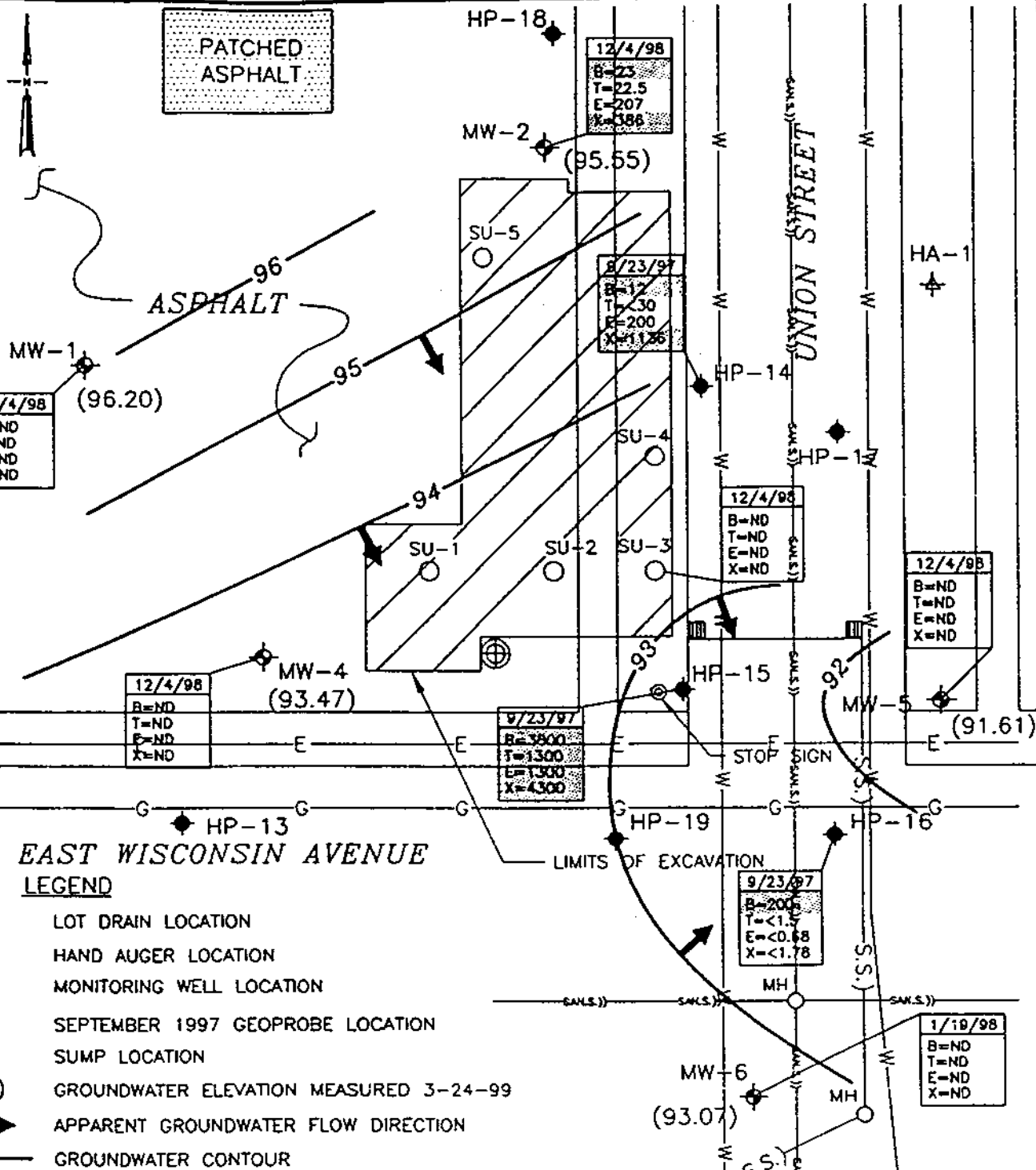
Signature: [Signature]
Printed Name: CYNTHIA I. HESSE
Title: CITY CLERK

Subscribed and sworn to before me
this 21st day of April, 2006.

Nancy A Kohlman
Notary Public, State of Wisconsin
My commission expires 7-30-00

This document was drafted by the Wisconsin Department of Natural Resources based on information provided by STS Consultants.

514-524 WISCONSIN AVE.



ND= NOT DETECTED

NOTE: CONCENTRATIONS MEASURED IN $\mu\text{g/l}$

MAP SOURCE: SUPPLIED BY BADGER LABORATORIES & ENGINEERING, APPLETON, WISCONSIN.



STS Consultants Ltd.
Consulting Engineers

PROJECT/CLIENT

FORMER FROELICH & UTSCHIG BUILDING
EAST WISCONSIN AVENUE
APPLETON, WISCONSIN

GROUNDWATER CONTOUR MAP (3-24-99)
AND APPROXIMATE UTILITY LOCATIONS

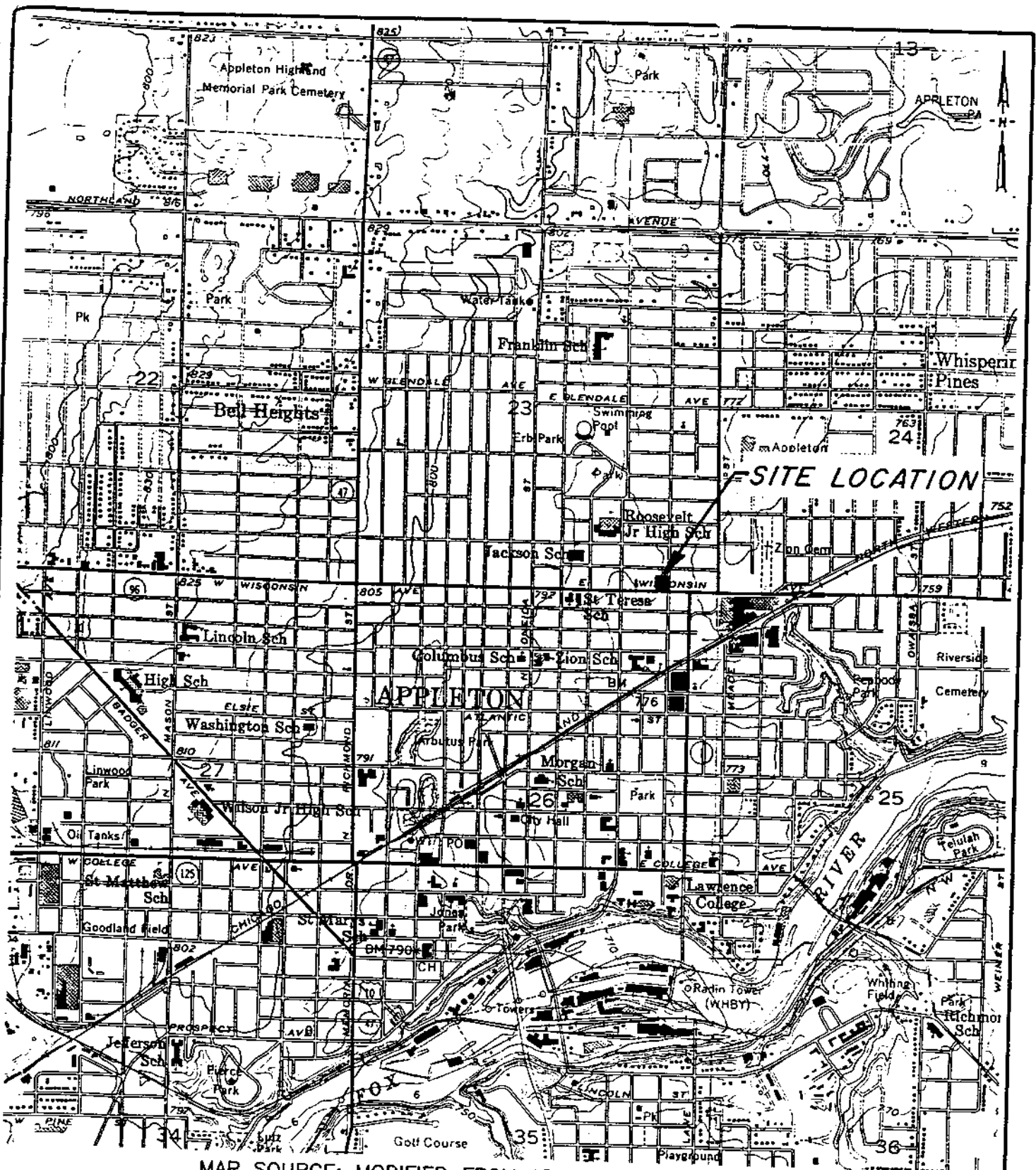
DRAWN BY R.A.B. 6-21-99

CHECKED BY R.J.M. 6-21-99

APPROVED BY

SCALE 1" = 20' FIGURE NO. 1

STS DRAWING NO. 22103W



MAP SOURCE: MODIFIED FROM APPLETON, WIS. U.S.G.S.
QUADRANGLE DATED 1984.



STS Consultants Ltd.
Consulting Engineers

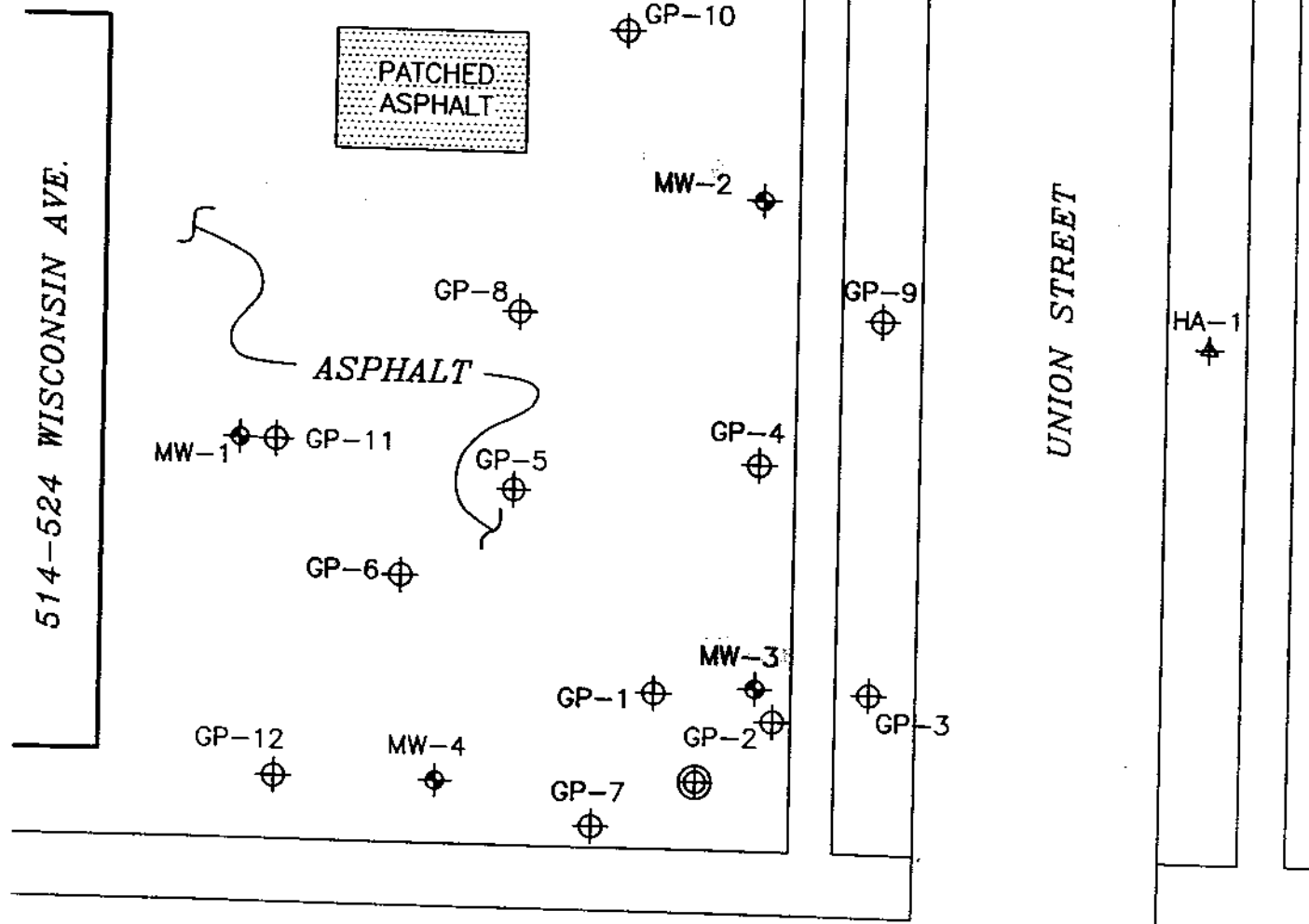
PROJECT/CLIENT

SITE LOCATION DIAGRAM
FROELICH & UTSCHIG BUILDING
EAST WISCONSIN AVENUE
APPLETON, WISCONSIN

DRAWN BY	P.D.P.	3-1-96
CHECKED BY	RJM	3-4-96
APPROVED BY	PRB	6-28-96
SCALE	1" = 2000'	FIGURE NO. 1
STS DRAWING NO.	22103W	

LEGEND

- SOIL BORING LOCATION
- LOT DRAIN LOCATION
- MONITORING WELL LOCATION
- HAND AUGER LOCATION



EAST WISCONSIN AVENUE

Site Investigation

*NR720 extension
NR40 ES extension*

MAP SOURCE: SUPPLIED BY BADGER LABORATORIES & ENGINEERING, APPLETON, WISCONSIN.



STS Consultants Ltd.
Consulting Engineers

PROJECT/CLIENT

SOIL BORING AND MONITORING WELL LOCATIONS
FORMER FROELICH & UTSCHIG BUILDING
EAST WISCONSIN AVENUE
APPLETON, WISCONSIN

DRAWN BY	K.J.C.	6-3-96
CHECKED BY	R.J.M.	6-3-96
APPROVED BY	<i>PLB</i>	6-28-96
SCALE	1" = 20'	FIGURE NO. 2
STS DRAWING NO.	22103W	

Table 3 - Groundwater Analytical Results
Former Froehlich & Ueblich Property
Appleton, Wisconsin

Well ID	Date	Benzene (µg/l)	Toluene (µg/l)	Ethylbenzene (µg/l)	Xylenes (µg/l)	MTBE (µg/l)	1,2,4,1,5-TMB (µg/l)	Naphthalene (µg/l)	1,2-DCA (µg/l)	Isopropylbenzene (µg/l)	Bisphenol A (µg/l)	NO ₂ -NO ₃ -N (µg/l)	Sulfate (µg/l)
MW-1	5/11/96 2/20/97 6/23/97 9/23/97 12/4/98	<0.5 <0.5 <0.21 <0.21 <0.5	<0.6 <0.6 <1.5 <1.5 <1.0	<0.6 <0.6 <0.68 <0.68 <1.0	<2.2 <2.2 <1.8 <1.8 <2.0	<2.7 <0.92 <0.21 <0.21 <1.0	<1.7 <1.7 <1.0 <1.0 <1.0	<1.0 x <1.0 <1.0 <1.0	<1.1 x <0.14 <0.14 <1.0	<0.6 x x x x	<1 x x x x	x x x x x	x x x x x
MW-2	5/11/96 2/20/97 6/23/97 9/23/97 12/4/98	113 22 30 50 22.5	280 9.7 50 78 22.5	636 90 210 580 207	2748 182.2 651 940 207	<2.7 7.6 <0.21 <2.1 <10.0	4740/36 83/44 200/32 340/20 191/10.0	27 x 140 120 51.1	<1.1 x <0.14 <1.4 <10.0	42/110 x x x x	<1 x x x x	x x x x x	x x x x x
MW-3 (Abandoned)	5/11/96	5950	3370	766	3740	<135	599/170	55	73	33/65	2	x	x
Sump-3	5/7/97 6/23/97 9/23/97 12/4/98	<0.5 <0.21 <0.21 <0.5	<0.6 <1.5 <1.5 <1.0	<0.6 <0.68 <0.68 <1.0	0.71 <1.8 <1.8 <2.0	<0.92 <0.21 <0.21 <1.0	<1.7 <1.0 <1.0 <1.0	x <1.0 <1.0 <1.0	x <0.14 <0.14 <1.0	x x x x	x x x x	7.7 x x x	x x x x
MW-4	5/11/96 2/20/97 6/23/97 9/23/97 12/4/98	<0.5 <0.5 <0.21 <0.21 <0.5	<0.6 <0.6 <1.5 <1.5 <1.0	<0.6 <0.6 <0.68 <0.68 <1.0	<2.2 <2.2 <1.8 <1.8 <2.0	<2.7 <0.92 <0.21 <0.21 <1.0	<1.7 <1.7 <1.0 <1.0 <1.0	<1.0 x <1.0 <1.0 <1.0	<1.1 x <0.14 <0.14 <1.0	<0.6 x x x x	<1 x x x x	x x x x x	x x x x x
MW-5	12/4/98	<0.5	<1.0	<1.0	<2.0	<1.0	<1.0 <1.0 <1.0	<1.0	<1.0	x	x	x	x
MW-6	1/19/99	<0.5	<1.0	<1.0	<2.0	<1.0	<1.0 <1.0 <1.0	<1.0	<1.0	x	x	x	x
HP-13	9/23/97	<0.21	<1.5	<0.68	<1.78	<0.21	2.3 <0.86 x	<1	<0.14	<0.38 <0.4	x	x	x
HP-14	9/23/97	12 µg	<30	200	1136	<4.2	110/250	250	<2.8	41/140	x	x	x
HP-15	9/23/97	3800	1300	1300	4300	<11	2100/420	380	<7	79/240	x	x	x
HP-16	9/23/97	200	<1.5	<0.68	<1.78	<0.21	2.2 <0.86 x	<1	<0.14	<0.38 <0.4	x	x	x
HP-18	11/12/97	<0.21	<1.5	<0.68	<1.78	<0.21	<1.0 <0.86 x	<1	<0.14	<0.38 <0.4	x	x	x
ES	5	343	700	620	60	480	40	5	15	10000	250000	x	x
PAL	11.5	68.6	140	124	12	96	8	0.5	1.5	2000	125000	x	x

MTBE = Methyl tert Butyl Ether
1,2-DCA = 1,2 Dichloroethane
Isopropylbenzene = Isopropylbenzene
TMB = Trimethylbenzene
NO₂+NO₃-N = Nitrogen - Nitrate-Nitrite
ES = NR 140 Enforcement Standard Established December 1998
PAL = NR 140 Preventive Action Limit Established December 1998
55 NR 140 ES Exceedance
187.2 NR 140 PAL Exceedance
x = Not Analyzed

J = Compound detected at concentration between method detection and quantitation limits

9/23/97
n/sec-butylbenzene @ (11-14 = 200/14 µg/l)
n/sec-butylbenzene @ (11-15 = 190/32 µg/l)

Site investigation samples

1100/250
2100/420
3200/1300
500/200